

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

IN THE MATTER OF: : Case No. 23-11337-CMG  
Paxe Latitude LP : Chapter 11  
:

SUPPLEMENTAL AFFIDAVIT OF ARIC SCHMITTER

STATE OF OHIO :  
: ss  
COUNTY OF FRANKLIN :

I, Aric Schmitter, being first duly cautioned and sworn, state that I have personal knowledge of the facts contained in this affidavit, that I am competent to testify to the matters stated herein, and that the following statements are true:

1. I am presently employed as a Code Enforcement Supervisor for the City of Columbus.
2. As stated in my original affidavit dated February 24, 2023 (the "First Affidavit") [Filed at Docket No. 15-7], March 16, 2023, (the "Second Affidavit") [Filed at Docket No. 56], and April 24, 2023, (the "Third Affidavit") [Filed at Docket No. 100-4], I have conducted multiple inspections of the real property located at 521, 525 and 529 Sawyer Boulevard, Columbus, Ohio, Parcel No. 010-288512 (the "Property") in the course and scope of my duties.
3. The purpose of this affidavit is to supplement the First, Second and Third Affidavits, and to alert the Court that **the emergency conditions and hazards that exist at the Property still have not been remedied.** These emergency conditions and hazards including, but are not limited to, the following:
  - a. **The Property has been repeatedly broken into and vandalized,**

- b. Residents' belongings have been stolen and vandalized throughout the interior of the Property,**
  - c. Interior fixtures, including electrical components, electrical wiring and plumbing lines, have been removed and stolen throughout the interior of the Property, and**
  - d. There are active water leaks throughout the interior of the Property.**
4. I personally inspected the Property on August 4, 2023. Photographs taken during my inspections, and my typewritten notes, are attached to this affidavit as Exhibit A. These photos are true and accurate depictions of the condition of the Property as it appeared during my inspection, and my typewritten notes are true and accurate descriptions of the condition of the Property as it appeared during my inspection.
5. On August 9, 2023, I provided testimony and evidence regarding the Property in a Motion Hearing before the Environmental Division of the Franklin County Municipal Court in case number 2022 EVH 60061 (the "Environmental Court Case").
6. On August 11, 2023, that Court issued a ruling in favor of the City of Columbus in the Environmental Court Case. A true and accurate copy of said ruling is attached to this affidavit as Exhibit B.

Further, Affiant sayeth naught.

  
Aric Schmitter

Sworn to me and subscribed in my presence this 11 day of August, 2023.



CASSONDRA L. SCURLOCK  
Notary Public, State of Ohio  
My Commission Expires  
05-14-2024

  
Cassondra L. Scurlock  
Notary Public



(1)



Structure not boarded and secured to code. High grass and/or weeds in excess of 12 inches. A crew was on site cutting the grass, but there are multiple sections that remain uncut. 4707.01, 709.03

(2)

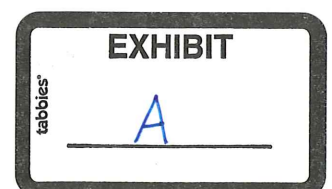


Structure not boarded and secured to code. Boards covering windows/doors not painted. Damaged concrete and asphalt present in multiple areas of the parking lot and circulation areas. Damaged concrete present on multiple areas of the curbs/sidewalks. 4707.01, 4525.11

(3)



Structure not boarded and secured to code. Boards covering windows/doors not painted. Damaged concrete and asphalt present in multiple areas of the parking lot and circulation areas. 4707.01, 4525.11





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(4)



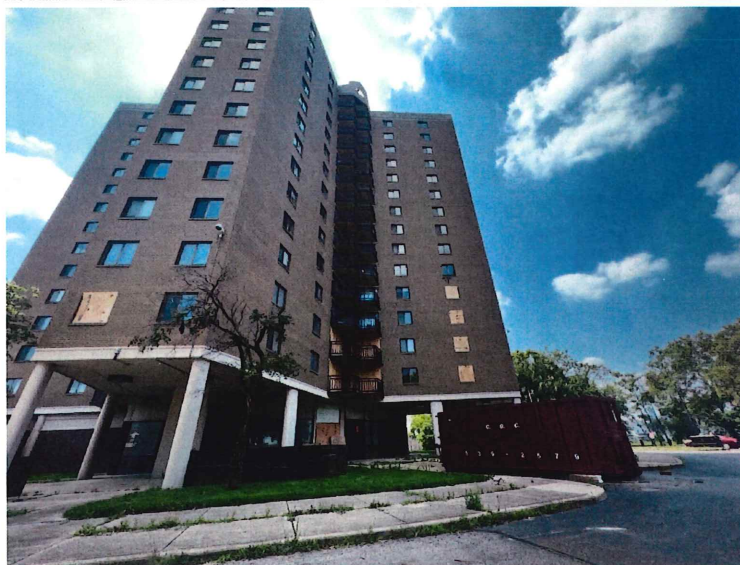
Structure not boarded and secured to code. Boards covering windows/doors not painted. Damaged metal pylon. 4707.01, 4525.11

(5)



Structure not boarded and secured to code. Multiple open windows; leaving the interior open to the elements. Boards covering windows/doors not painted. 4707.01

(6)



Solid waste present on multiple areas of the property. Damaged concrete present on the multiple areas of the property including the dumpster pad and sidewalk. Property lacking zoning clearance for the storage of a dumpster. Structure not boarded and secured to code. Boards covering the windows/doors not painted. 707.03, 4525.14, 4707.01



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(7)



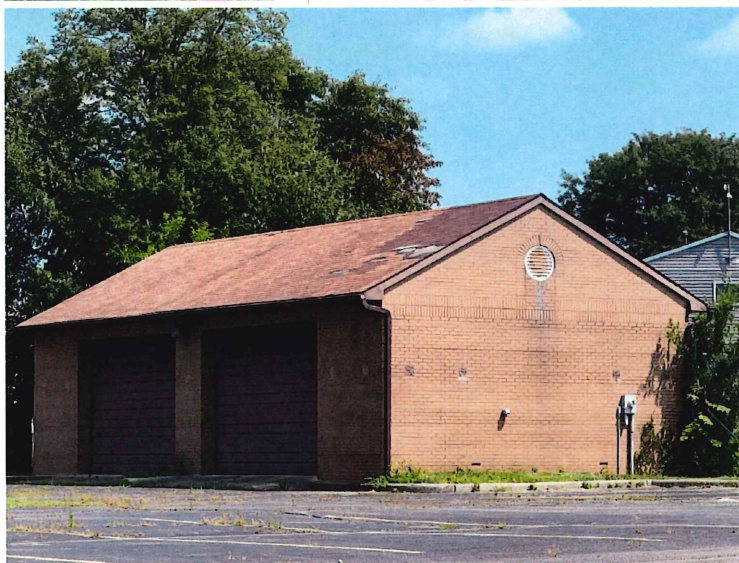
Structure not boarded and secured to code. Boards covering the windows/doors not painted. The exterior trash chute that was installed on the 521 tower has been removed. Property lacking zoning clearance for the storage of a dumpster. 4707.01

(8)



Structure not boarded and secured to code. Boards covering windows/doors not painted. Damaged concrete and asphalt present in multiple areas of the parking lot and circulation areas. 4707.01, 4525.11

(9)



Missing and damaged sections of roofing present on the accessory structure. 4525.11



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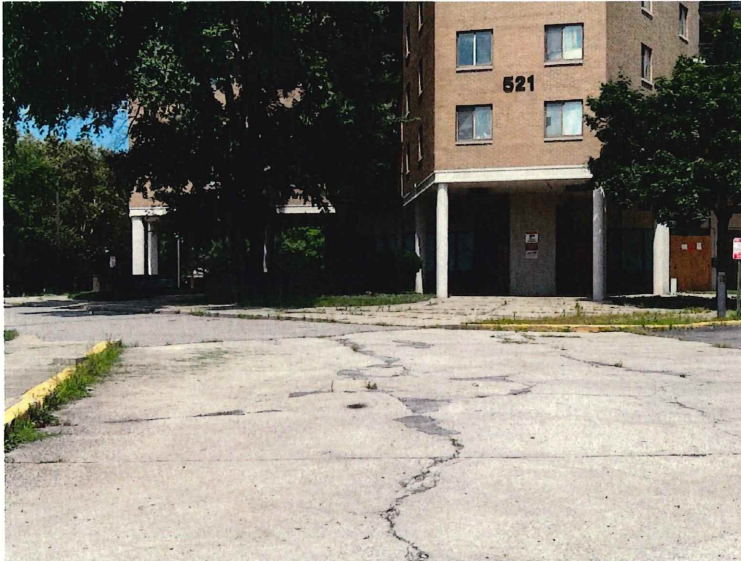
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(10)



Damaged brick and mortar voids in the perimeter wall present on multiple areas of the property. 4525.14

(11)



Structure not boarded and secured to code. Boards covering windows/doors not painted. Damaged concrete and asphalt present in multiple areas of the parking lot and circulation areas. 4707.01, 4525.11

(12)



High grass and weeds in excess of 12 inches present on multiple areas of the property. Damaged sections of fencing present on multiple areas of the property. 709.03, 4525.13



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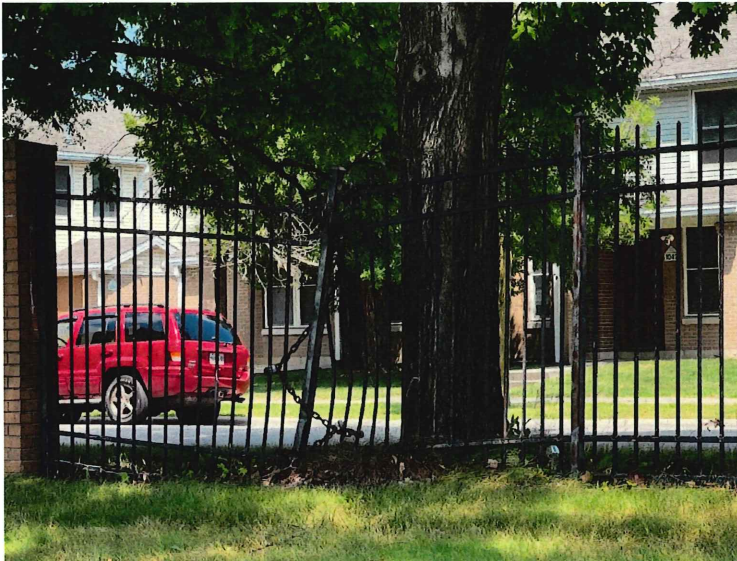
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(13)



Damaged sections of fencing present on multiple areas of the property. 4525.13

(14)



Damaged sections of fencing present on multiple areas of the property. 4525.13

(15)



Damaged brick and mortar voids in the perimeter wall present on multiple areas of the property. 4525.14



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(16)



Damaged brick and mortar voids in the perimeter wall present on multiple areas of the property. 4525.14

(17)



Solid waste present on multiple areas of the property. Structure not boarded and secured to code. Boards covering the windows/doors not painted. 707.03, 4707.01

(18)



Inoperable vehicle with an expired registration sticker stored on the south side of the property. 3312.37



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(19)



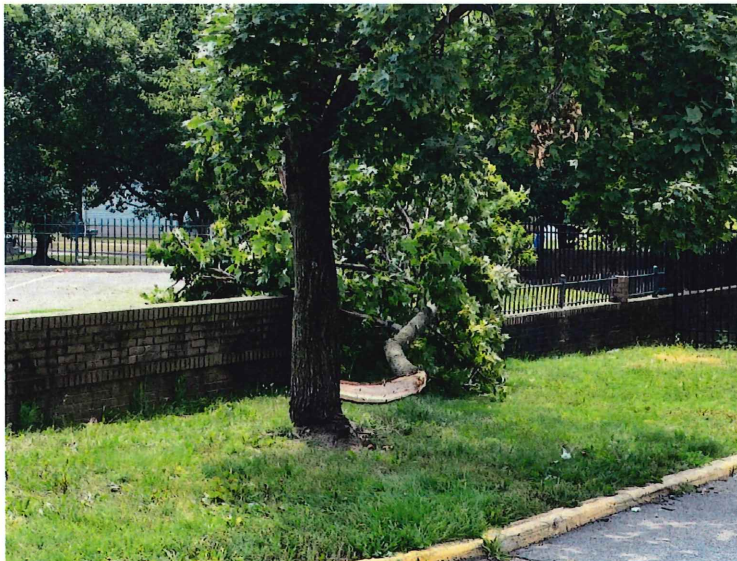
Inoperable vehicle with an expired registration sticker stored on the west side of the property. Damaged concrete and asphalt present in multiple areas of the parking lot and circulation areas. Structure not boarded and secured to code. Boards covering windows/doors not painted. 3312.37, 4525.11, 4707.01

(20)



Solid waste present on multiple areas of the property. Damaged asphalt in multiple areas of the parking and circulation areas. 707.03, 4525.11

(21)



Damaged tree branch present at the front gate. 4525.11



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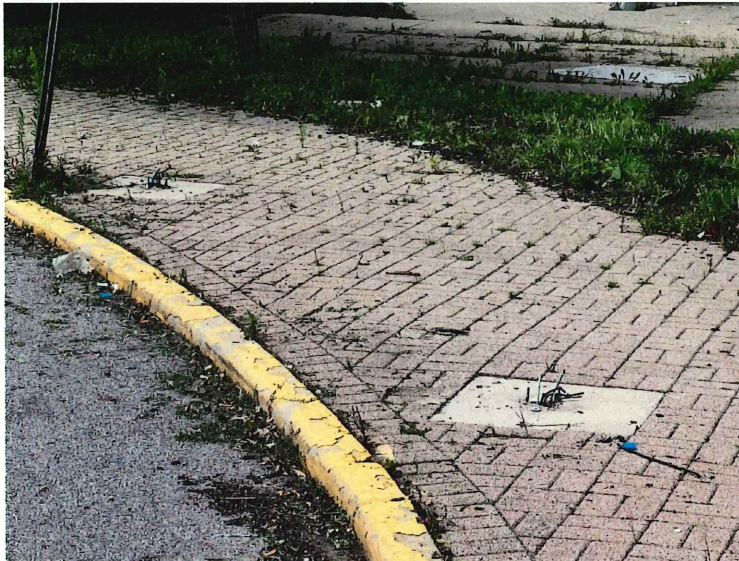
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(22)



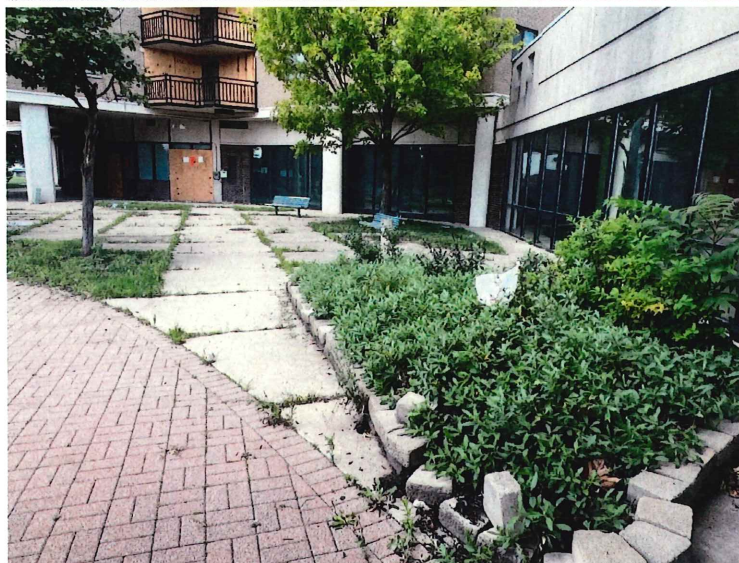
Metal pylon has been removed exposing bare electrical wires. 4523.04

(23)



High grass and weeds in excess of 12 inches present on multiple areas of the property. Metal pylon has been removed exposing bare electrical wires. 709.03, 4523.04

(24)



High grass and weeds in excess of 12 inches present on multiple areas of the property. Structure not boarded and secured to code. Boards covering the windows/doors not painted. 709.03, 4707.01



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(25)



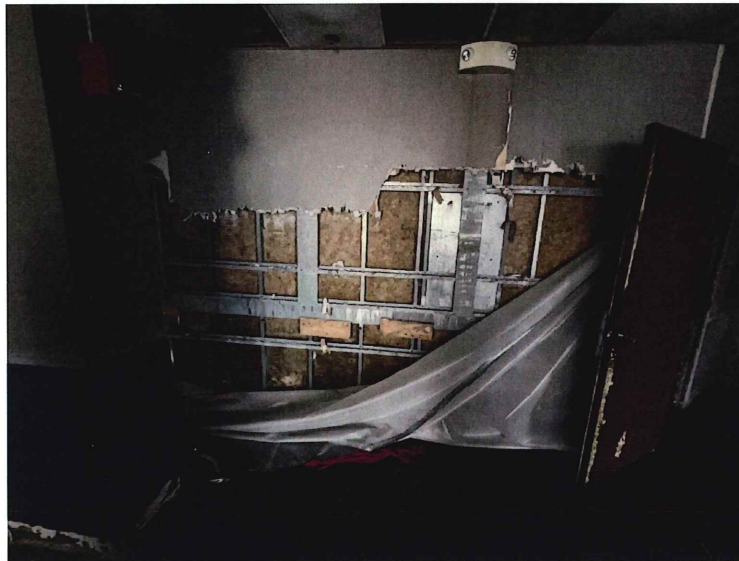
Active ceiling leak and damaged drywall material in the 521 tower hall. 4525.12

(26)



Multiple missing/damaged ceiling tiles in the 521 tower hall. 4525.12

(27)



Missing damaged sections of wall material in the 521 tower hall. 4525.12

(28)



Electrical components present in the sprinkler riser room of the 521 tower have been removed and vandalized. There are multiple areas of the 521 building that show signs of electrical components that have been removed. 4523.04

(29)



Electrical components present in the sprinkler riser room of the 521 tower have been removed and vandalized. There are multiple areas of the 521 building that show signs of electrical components that have been removed. 4523.04

(30)



Elevators present in the 521 tower have been red tagged by the state of Ohio Dept Of Commerce elevator inspector. 4525.05



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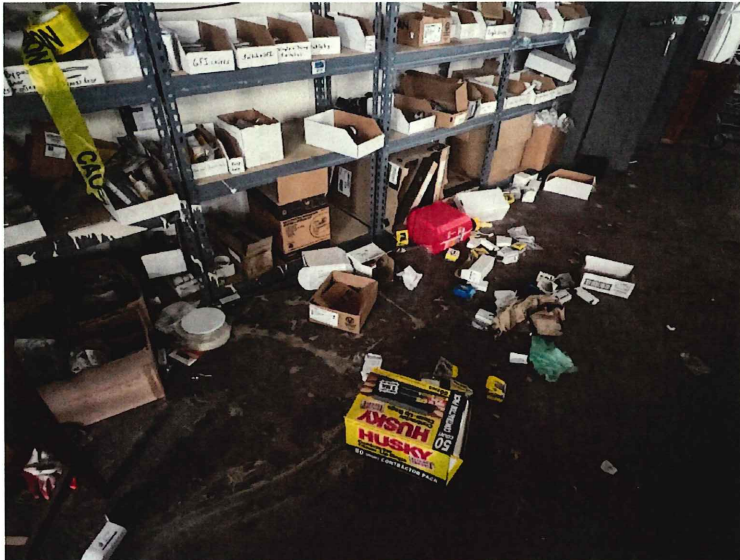
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(31)



Unsanitary conditions and solid waste present in the 521 maintenance area at the interior trash chute. 705.03, 707.03

(32)



The maintenance area present in the 521 tower has been broken into and vandalized.

(33)



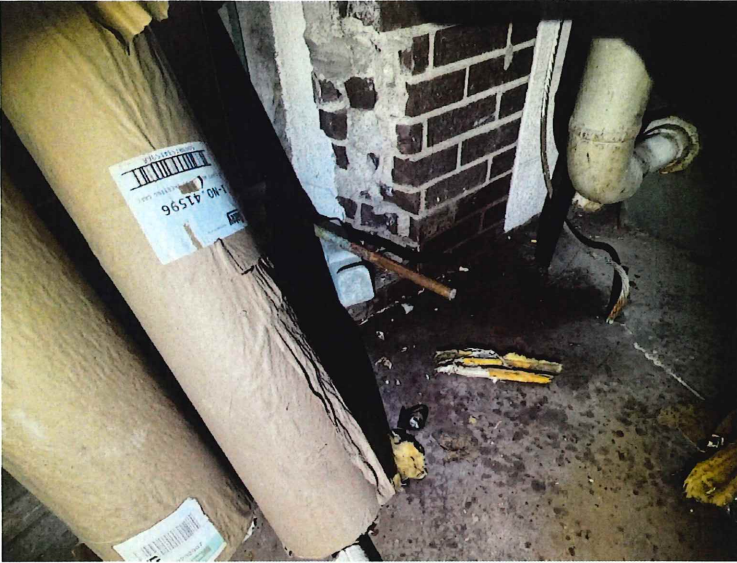
The maintenance area present in the 521 tower has been broken into and vandalized.

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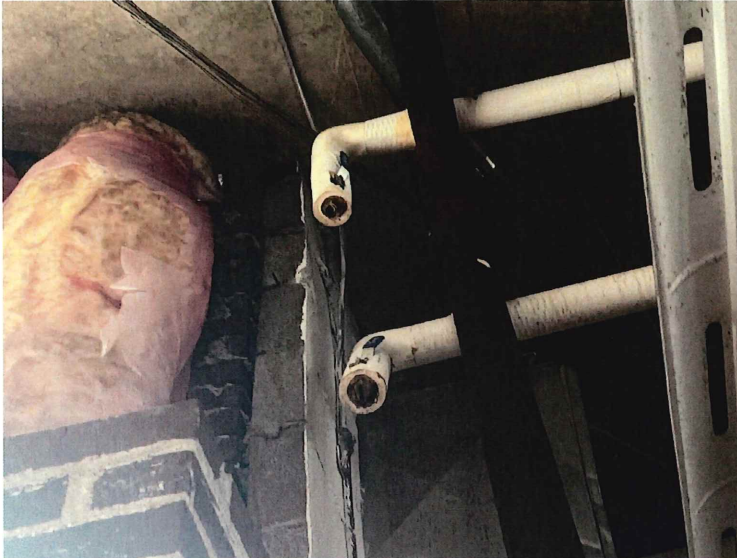
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(34)



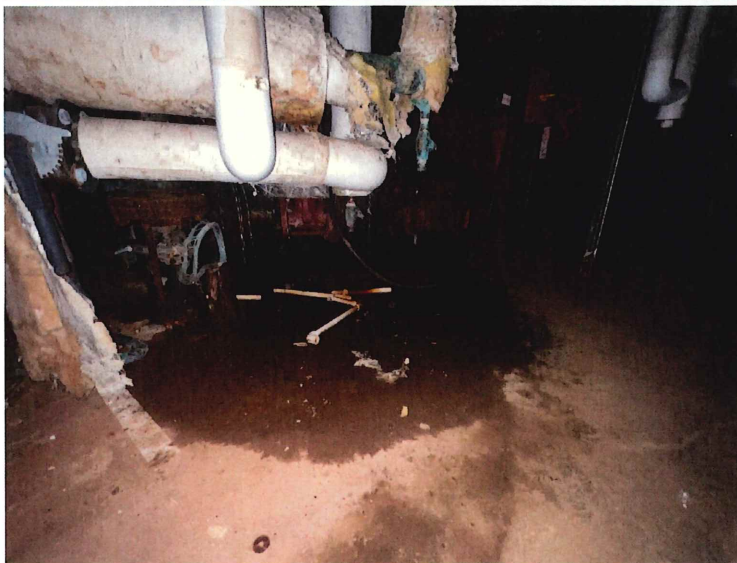
Plumbing lines present in the maintenance area of the 521 tower have been removed and vandalized. There are multiple areas of the 521 building that show signs of plumbing that have been removed. 4521.08

(35)



Plumbing lines present in the maintenance area of the 521 tower have been removed and vandalized. There are multiple areas of the 521 building that show signs of plumbing that have been removed. 4521.08

(36)



Active leak present in the 521 tower sprinkler riser room. 4521.08



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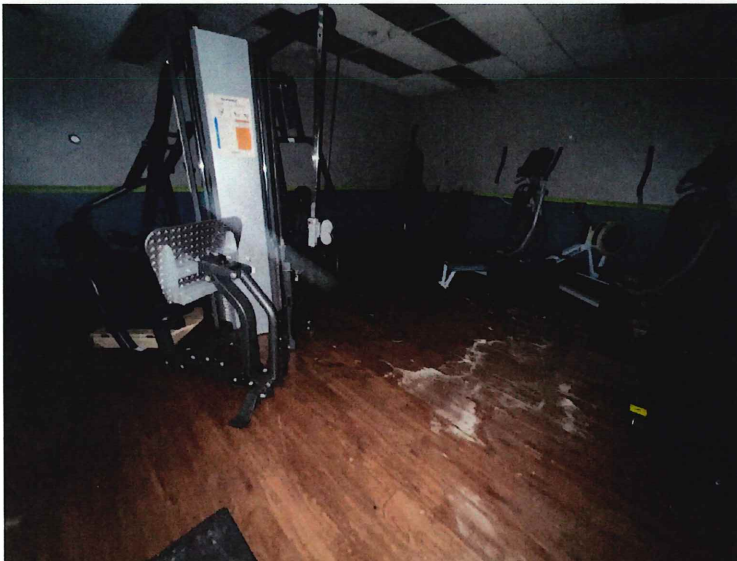
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(37)



Active roof leak and damaged ceiling material present in the hall at the gymnasium. Damaged floor material present in the gymnasium hall. 4525.12

(38)



Active roof leak and damaged ceiling material present in the workout room. 4525.12

(39)



Damaged concrete block present in the gymnasium hall. 4525.14

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(40)



Damaged flooring present in the hall at the northwest corner of the gymnasium hall. 4525.12

(41)



Plumbing lines present in the storage room of the gymnasium have been removed and vandalized. There are multiple areas of the building that show signs of plumbing that have been removed. 4521.08

(42)



Plumbing lines present in the storage room of the gymnasium have been removed and vandalized. There are multiple areas of the building that show signs of plumbing that have been removed. 4521.08



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(43)



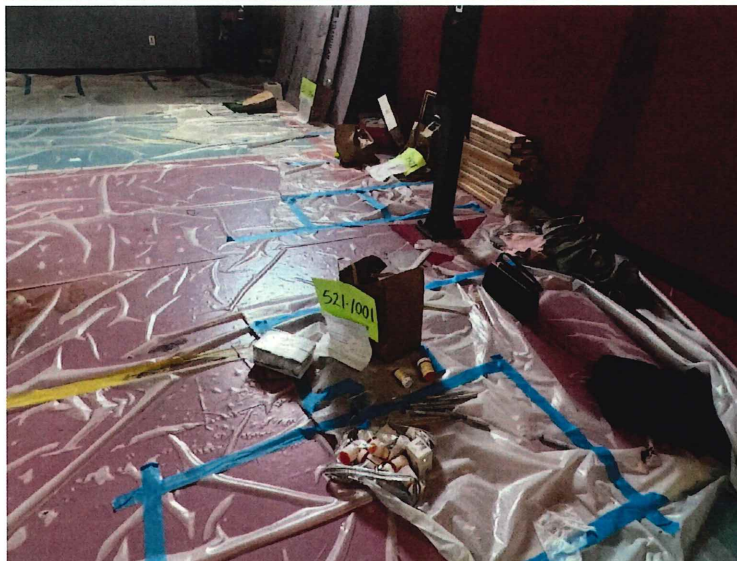
Evidence of theft and vandalism to residents belongings that have been decontaminated.

(44)



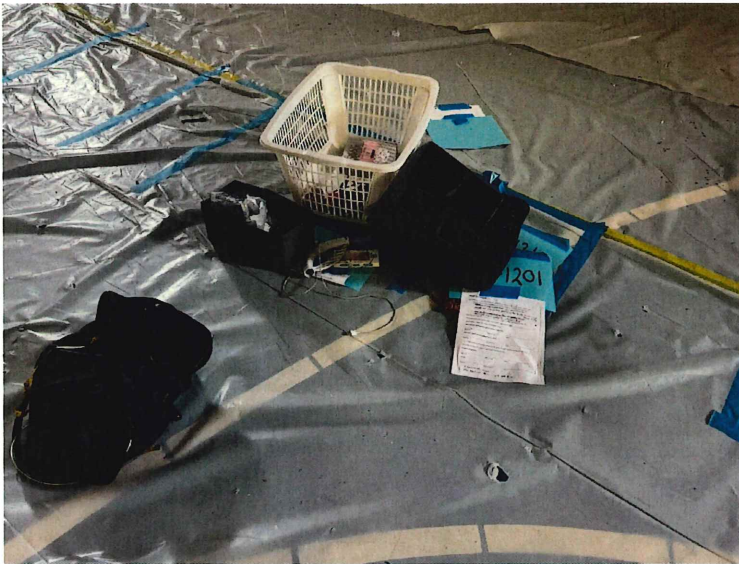
Active roof leak and damaged ceiling material present in the gymnasium hall. Damaged flooring material present in the gymnasium hall. 4525.12

(45)



Evidence of theft and vandalism to residents belongings that have been decontaminated.

(46)



Evidence of theft and vandalism to residents belongings that have been decontaminated.

(47)



Evidence of theft and vandalism present in the office.

(48)



Evidence of theft and vandalism present in the office.

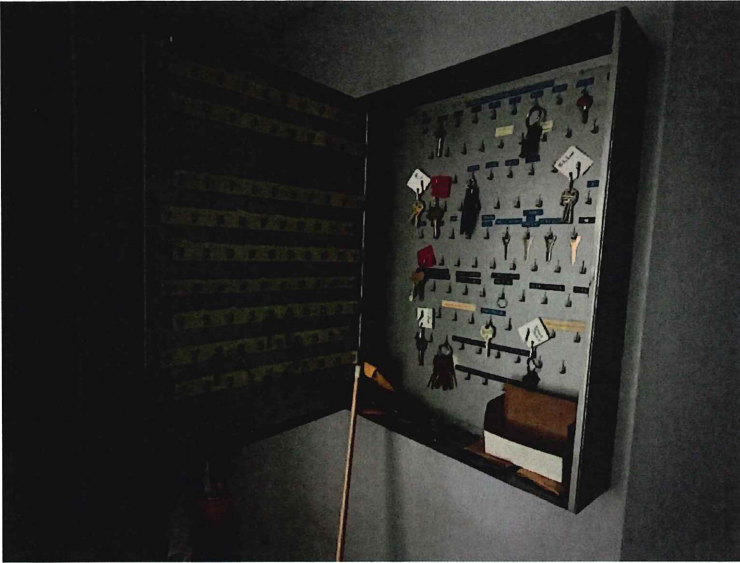


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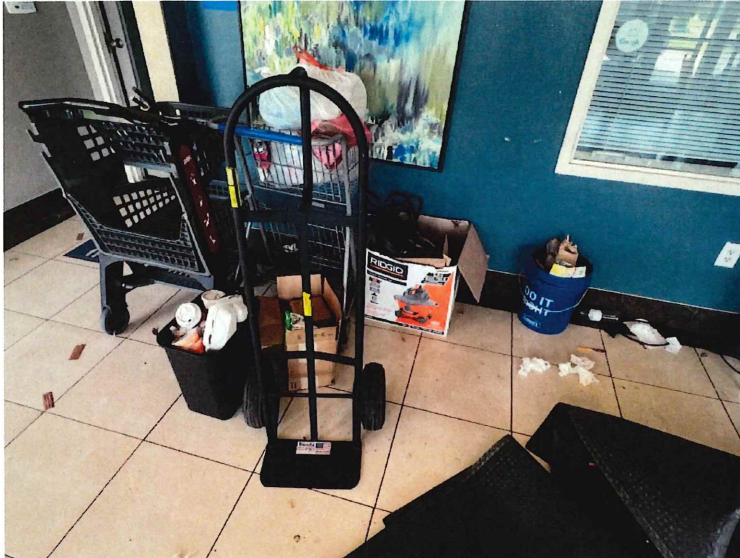
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(49)



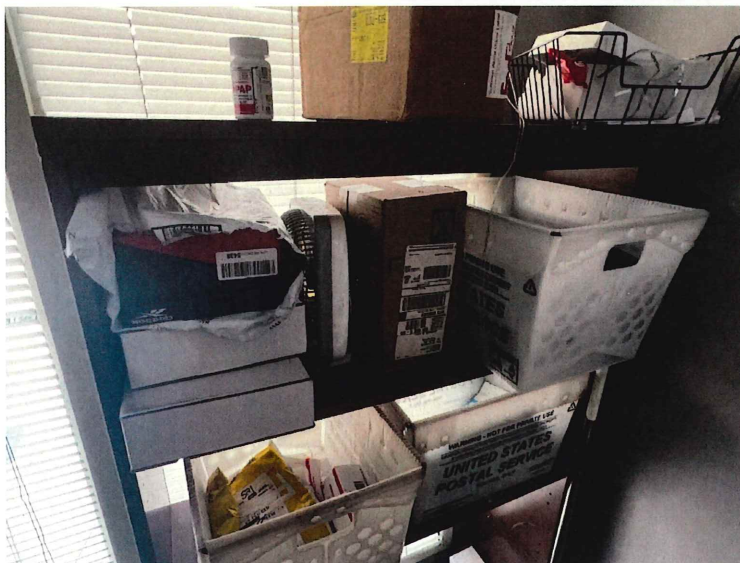
Evidence of theft and vandalism present in the office.

(50)



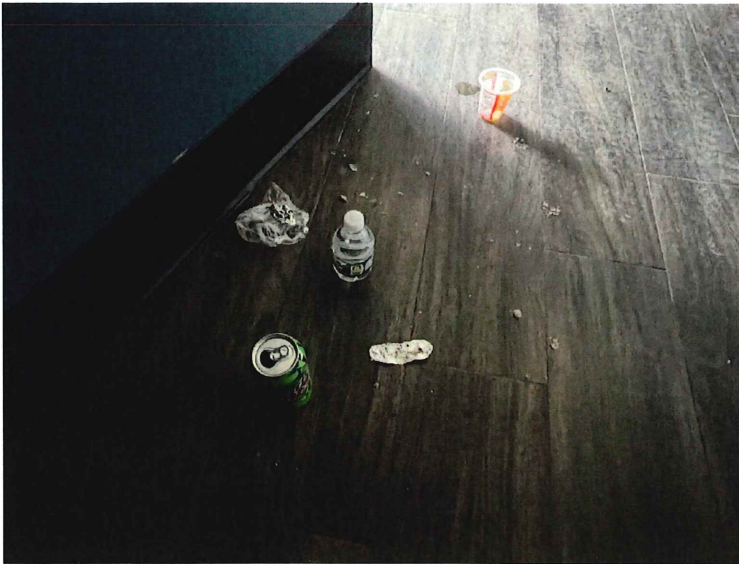
Unsanitary conditions and solid waste present in the building lobby. 705.03, 707.03

(51)



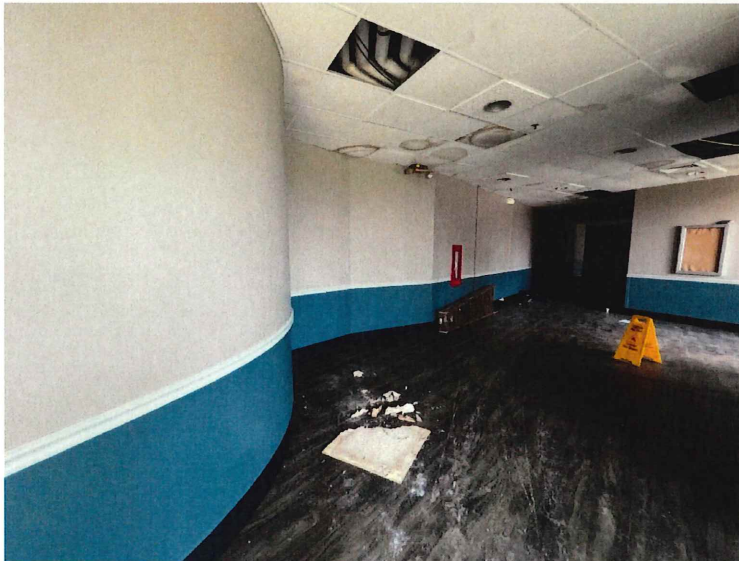
Evidence of theft and vandalism to residents packages that were held in the office.

(52)



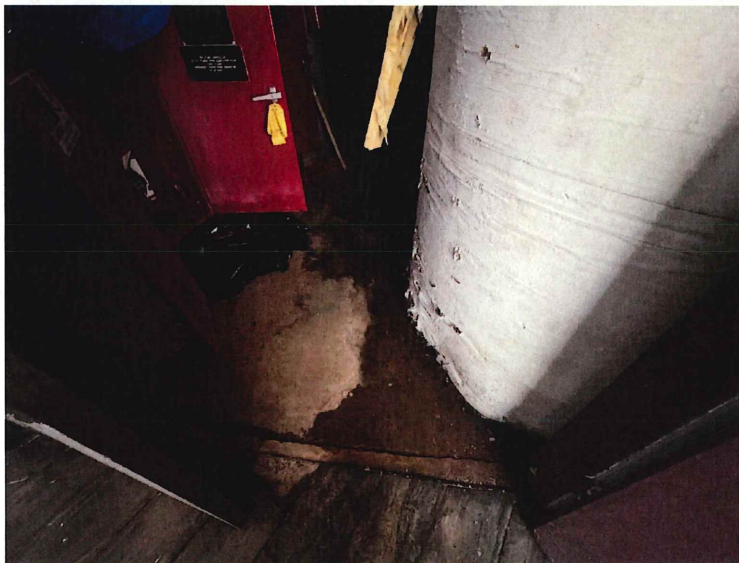
Drug paraphernalia present in the 529 tower hall.

(53)



Multiple missing/damaged ceiling tiles present in the 529 tower hall. Active roof leak present in the 529 tower hall. 4525.12

(54)



Active leak present in the 529 tower sprinkler riser room. 4521.08

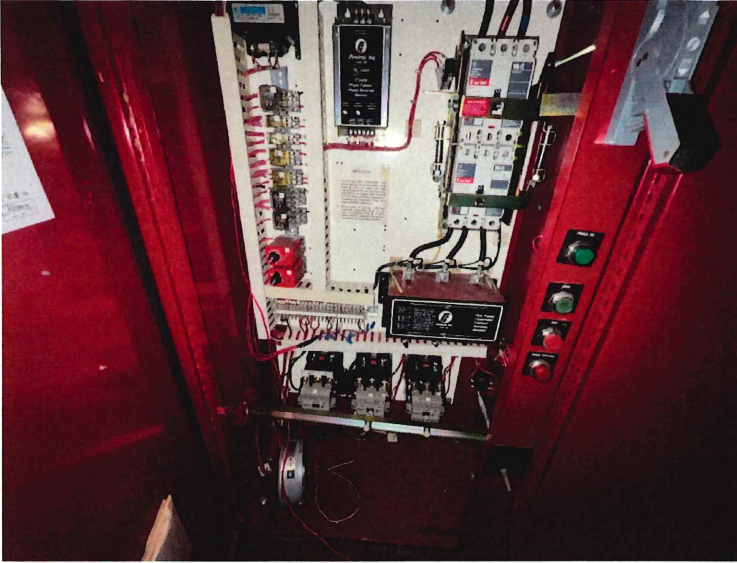


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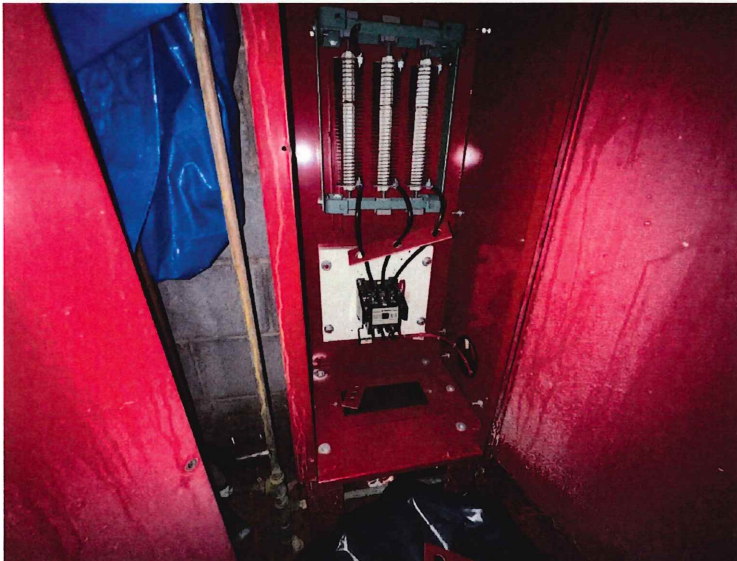
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(55)



Electrical components of the fire panel present in the 529 tower have been removed and vandalized. There are multiple areas of the 529 building that show signs of electrical components that have been removed. 4523.04

(56)



Electrical components of the fire panel present in the 529 tower have been removed and vandalized. There are multiple areas of the 529 building that show signs of electrical components that have been removed. 4523.04

(57)



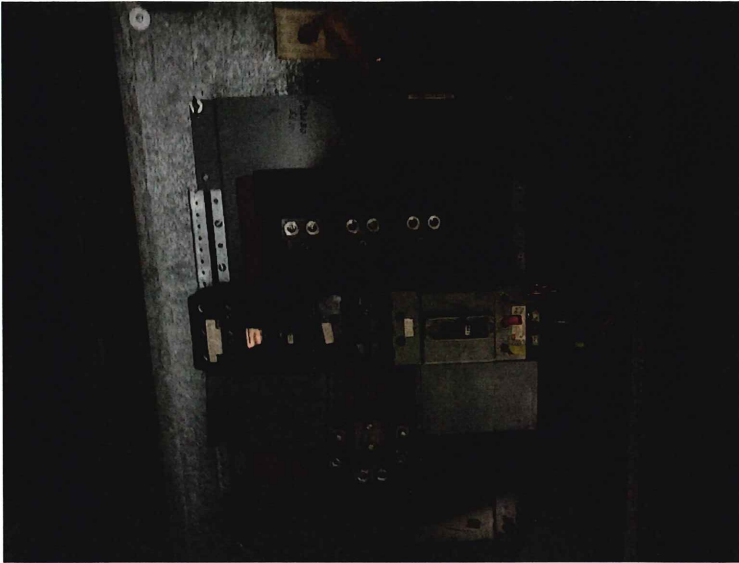
Active leak present in the 529 tower sprinkler riser room. 4521.08

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(58)



Electrical components present in the 529 tower have been removed and vandalized. There are multiple areas of the 529 building that show signs of electrical components that have been removed. 4523.04

(59)



Electrical components present in the 529 tower have been removed and vandalized. There are multiple areas of the 529 building that show signs of electrical components that have been removed. 4523.04

(60)



Elevators present in the 521 tower have been red tagged by the state of Ohio Dept Of Commerce elevator inspector. 4525.05

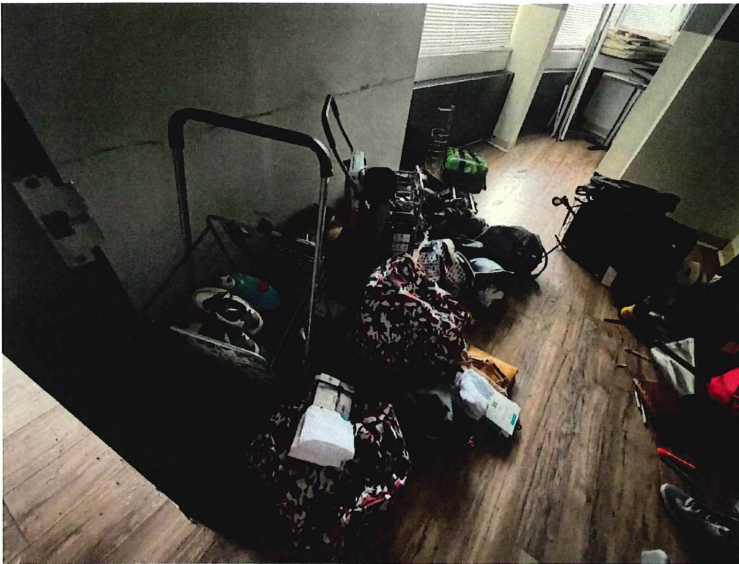


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(61)



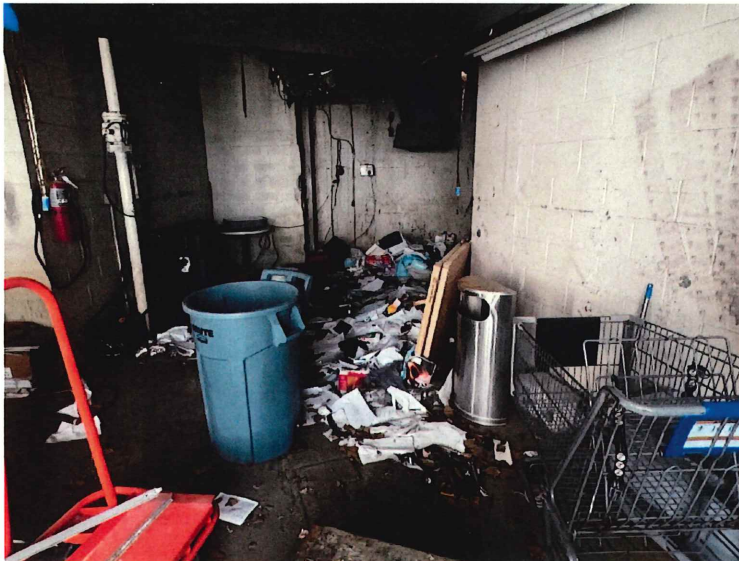
Evidence of theft and storage of resident belongings present in an office of the 529 tower. The exterior door to this room was previously breached and secured by the City of Columbus Environmental Blight Abatement Team on July 26, 2023.

(62)



Evidence of theft and storage of resident belongings present in an office of the 529 tower. The exterior door to this room was previously breached and secured by the City of Columbus Environmental Blight Abatement Team on July 26, 2023.

(63)



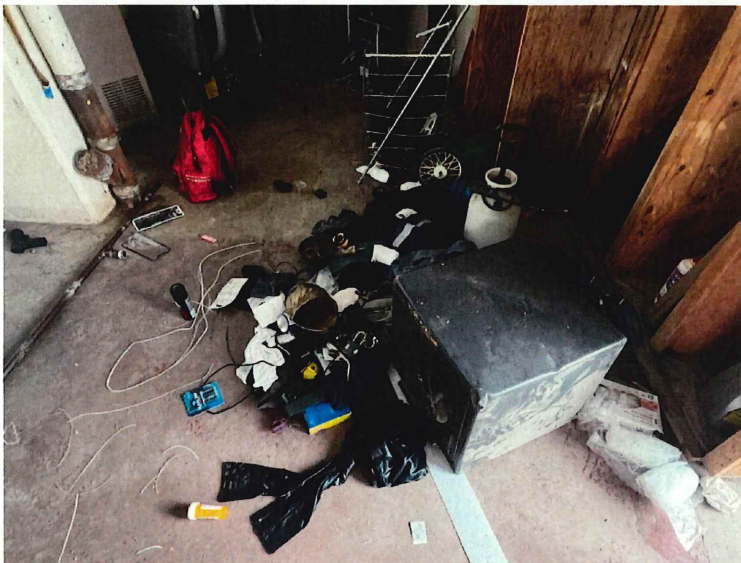
Unsanitary conditions and solid waste present in the 529 maintenance area at the interior trash chute. 705.03, 707.03

(64)



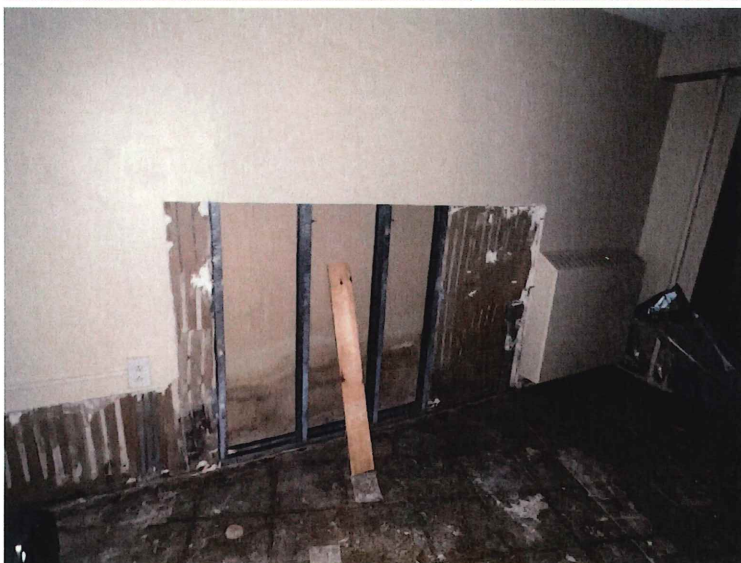
Maintenance area of the 529 tower has been breached and show evidence of theft and vandalism.

(65)



Maintenance area of the 529 tower has been breached and show evidence of theft and vandalism.

(66)



Evidence of mold growth, unsanitary conditions, and missing/damaged drywall material present in multiple areas of the 521 tower. There has been extensive demolition of building components present in multiple areas of both the 521 and 529 towers. 705.03, 4525.12

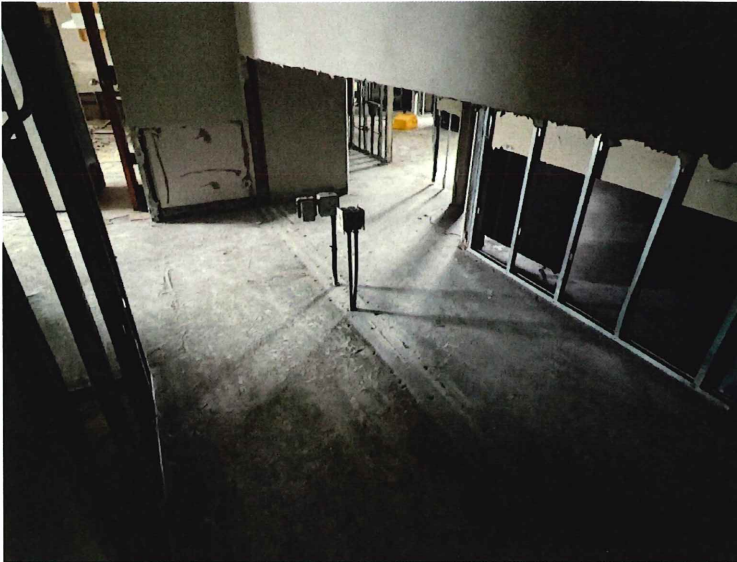


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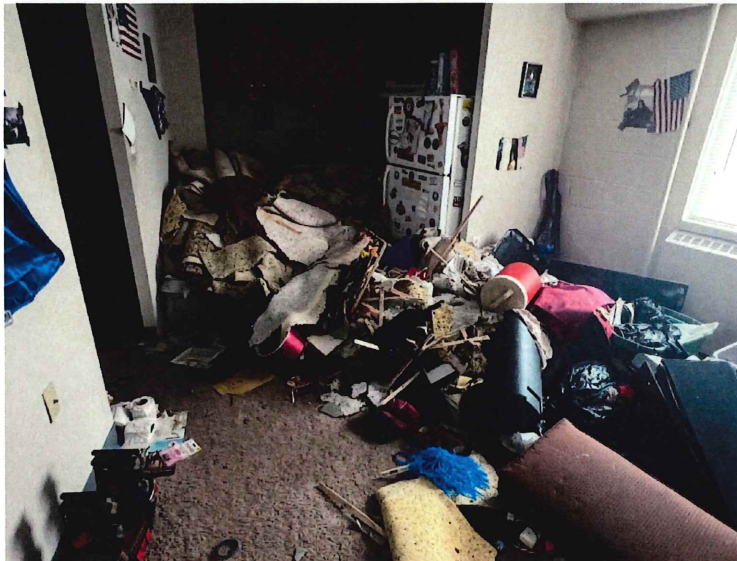
Title: 525 Sawyer Blvd - 2022 EVH 060061 - 2023 EVH 060373 - August 4, 2023 - Aric Schmitter

(67)



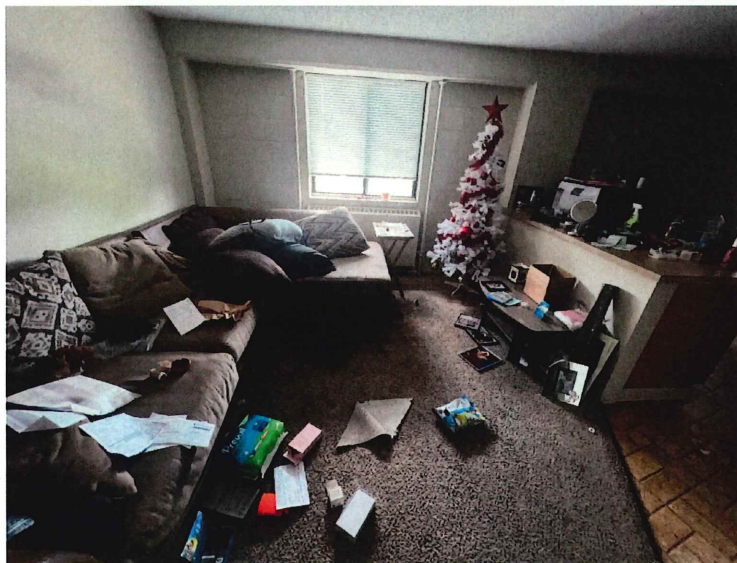
Missing/damaged drywall material present in multiple areas of the 521 tower. There has been extensive demolition of building components present in multiple areas of both the 521 and 529 towers. 4525.12

(68)



Solid waste, unsanitary conditions, and discarded building materials including asbestos containing materials present in multiple areas of the 521 tower. 705.03, 707.03

(69)



Evidence of theft and vandalism of resident belongings present in multiple apartments of the 521 tower.

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(70)



Evidence of mold growth, unsanitary conditions, and missing/damaged drywall material present in multiple areas of the 521 tower. There has been extensive demolition of building components present in multiple areas of both the 521 and 529 towers. Evidence of mold growth, unsanitary conditions, and missing/damaged drywall material present in multiple areas of the 521 tower. 705.03, 4525.12

(71)



Evidence of theft and vandalism of resident's belongings present in multiple areas of the 521 tower.

(72)



Open sliding glass door present in the 521 tower; leaving the interior open to the elements. 4707.01



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(73)



Solid waste, unsanitary conditions, and discarded building materials including asbestos containing materials present in multiple areas of the 521 tower. 705.03, 707.03

(74)



Evidence of active infestation of rodents present throughout both the 521 and 529 towers. 713.03

(75)



Evidence of mold growth, unsanitary conditions, and missing/damaged drywall material present in multiple areas of the 521 tower.

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
FRANKLIN COUNTY, OHIO

FILED

2023 AUG 11 PM 3:18

STATE EX REL. KLEIN

Plaintiff,

v.

PAXE LATITUDE LP, ET. AL.

Defendant

Case No. 2022 EVH 60061

Judge Stephanie Mingo

DECISION AND ENTRY

This matter came before the Court for a Motion Hearing on August 9, 2023, on Plaintiff State ex rel. Klein's "Motion for Contempt, Motion for Modification of Prior Orders and Request for Emergency Hearing" filed on August 2, 2023. Plaintiff State ex rel. Klein ("Plaintiff" or "the City") was represented by Assistant City Attorneys Steve Dunbar and Kenyatta Wilder. Defendants Paxe Latitude LP ("Paxe") and Integra Affordable Management LLC ("Integra" and collectively "Defendants") were represented by attorneys Josh Kahane and Michael Cassone. Interested Party Lument Commercial Mortgage Trust, as successor in interest to OREC Structured Finance Co., LLC, ("Lument") was represented by attorney Stuart Parsell. Interested Party Former Tenants of Real Property Located at 525 Sawyer Boulevard ("Tenants") were represented by attorneys Graham Bowman and Melissa Benson. Interested Party Franklin County Board of Commissioners was represented by Assistant County Prosecutor Charles Ellis. Interested Party Franklin County Treasurer was represented by Assistant County Prosecutor Mary Johnson. During the hearing, the Court heard sworn testimony from two witnesses and several exhibits were duly





admitted. Based on the elicited testimony and the exhibits duly admitted, the Court hereby **FINDS** as follows:

1. Paxe is the titled owner of the real property located at 521, 525 and 529 Sawyer Boulevard, Columbus, Ohio, Parcel Number 010-288512 (“the Premises”).
2. On January 4, 2023, the parties entered into, and this Court issued, an Agreed Judgment Entry (“January Order”) in which Paxe was ordered to sell the Premises on or before February 10, 2023. Paragraph 12 of the January Order imposes the automatic appointment of receiver in the event Paxe violates said order.
3. On February 16, 2023, this Court issued a Decision and Entry for Contempt finding Paxe in contempt of the January Order, imposing monetary fines, and authorizing immediate appointment of a receiver. In doing so, this Court found that “it is in the best interest of all of those involved that Paxe no longer have control of this property...”.
4. Soon thereafter, Paxe filed a petition for Chapter 11 bankruptcy that stayed the appointment of a receiver over the Premises. Paxe has remained in control of the Premises to this date.
5. Since February 16, 2023, Paxe has violated the following provisions of the Columbus City Code in regards to its failure to maintain the Premises:
  - a. Health, Sanitation and Safety Code
    - 705.03 – Sanitary maintenance of premises.
    - 707.03 – Standards relative to solid waste.
    - 709.03 – Standards relative to noxious weeds.
    - 713.03 – Standards relative to rodents, insects, vermin and other pests.
  - b. Zoning Code

- 3312.37 – Parking or keeping inoperable motor vehicle.

c. Housing Code

- 4521.08 – Plumbing fixtures.
- 4523.04 – Electricity requirements.
- 4525.01 – Structure to be watertight, rodentproof and weathertight.
- 4525.05 – Safe equipment and facilities.
- 4525.11 – Exterior of premises.
- 4525.12 – Floors and interior walls, ceilings and doors.
- 4525.13 – Fences.
- 4525.14 – Concrete, brick and masonry work.

d. Nuisance Abatement Code

- 4707.01 – General provisions for securing of vacant structures.

6. Electrical service to the Premises has been disconnected due to Paxe's nonpayment.
7. Over two hundred and eighty thousand dollars (\$280,000.00) in delinquent property taxes are owed on the Premises.
8. The Premises, in its current condition, is a public nuisance as defined by both Ohio Revised Code and Columbus City Code.
9. In addition to failing to maintain the physical condition of the Premises, Paxe has failed to adequately secure the Premises against intruders and vandals. Specifically, Paxe has failed to:
  - a. Maintain adequate private security personnel. Paxe currently maintains one (1) security guard at the Premises, which is wholly insufficient for a property of this size. Additionally, there are times when no security guards are present at the Premises.



- b. Maintain perimeter gates and fencing in good repair.
- c. Maintain exterior lighting in good repair.
- d. Secure all doors, windows and other points of entry.

10. Paxe's conduct described above has caused, and will continue to cause, the following harm if this Court does not issue additional orders to enjoin Paxe's illegal conduct:

- a. General deterioration of the physical condition of the interior and exterior of the Premises. This general deterioration includes, but is not limited to, active water leaks and mold growth throughout the interior of the Premises.
- b. Theft of interior fixtures of the Premises including, but not limited to, theft of copper pipes and electrical wires.
- c. Loose and detached portions of exterior flashing and siding that pose a risk to persons below.
- d. Deterioration of the Tenant's personal property located inside the Premises. This deterioration includes, but is not limited to, deterioration caused by asbestos, mold, rodents and other pests.
- e. Theft and vandalism of the Tenant's personal property located inside the Premises.
- f. Removal of barriers that had been placed by asbestos remediation contractors to seal off portions of the Premises that are still contaminated by disturbed asbestos.

11. This ongoing harm has caused, and will continue to cause, the City to expend an unreasonable amount of both human and financial resources at the Premises. The Court notes that the true cost of these resources is being born by the taxpayers of the City of Columbus.

12. While additional orders of this Court may require financial investment from Paxe, this investment will benefit Paxe by preserving the condition of the Premises, and by improving the safety of all persons, including Paxe's employees, contractors and representatives, who enter the Premises.
13. Additional orders are also necessary to improve the safety of all persons in and around the Premises. While some of these persons are entering the Premises unlawfully, the Court notes that many people have to enter the Premises to abate the public nuisance condition, to enforce the law and to retrieve the Tenant's personal property located in the Premises.

Having thus found, the Court hereby **ORDERS** as follows:

14. Paxe is permanently enjoined from maintaining a public nuisance at the Premises or at any other property within the territorial jurisdiction of this Court.
15. Paxe shall maintain the Premises in compliance with all applicable provisions of Ohio and Columbus law.
16. Paxe is prohibited from acquiring any real property within the territorial jurisdiction of this Court until it has abated the public nuisance condition at the Premises.
17. Any successors in title to the Premises shall be substituted into this case as party defendants and shall be subjects to the orders of this Court.
18. Pursuant to Civ.R. 65(D), this Order is binding upon Paxe's officers, agents, servants, employees, attorneys and those persons in active concert or participation with them who receive actual notice of the order whether by personal service or otherwise.



19. As of the date of the execution of this Order, Paxe shall maintain a log of all persons who enter the Premises. Said log shall include the following information and shall be made available to City staff and this Court's Chief Environmental Specialist upon request:

- a. Name of each person, including security guards, who enter the Premises.
- b. The company affiliation and cell phone number of each person.
- c. The date, time and purpose of entering the Premises.
- d. The date and time of leaving the Premises.

20. Paxe shall correct the following conditions within ten (10) days of the execution of this Order:

- a. Secure all open and/or damaged windows, doors and points of entry points to the Premises. This applies to all floors, including the roofs, of the Premises.
- b. Repair all perimeter gates and fencing at the Premises.
- c. Repair all exterior lights at the Premises.

21. Paxe shall establish the following contracts, and provide copies of said contracts to this Court, within ten (10) days of the execution of this Order:

- a. A property manager who shall be on call twenty-four (24) hours per day, seven (7) days per week. Said property manager must be able to arrive at the Premises within thirty (30) minutes of being contacted by the City's Code Enforcement, Police or Fire Departments.

- b. A private security company, licensed by the State of Ohio, who shall staff no fewer than two (2) private security guards onsite at the Premises twenty-four (24) hours per day, seven (7) days per week.
- c. A property maintenance and/or landscape company who shall perform mowing, landscape/weed maintenance and trash removal no less than one (1) day per week.
- d. A licensed asbestos remediation contractor to provide a report described in Paragraph 22 below. Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.
- e. A licensed mold remediation contractor to provide a report described in Paragraph 22 below. Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.
- f. A licensed pest control contractor to provide a report described in Paragraph 22 below. Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.
- g. A licensed fire alarm and suppression contractor to provide a report described in Paragraph 22 below. Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.
- h. A licensed electrician to provide a report described in Paragraph 22 below. Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.



- i. A licensed elevator contractor to provide a report described in Paragraph 22 below.

Said report shall be provided to this Court, and to all parties to this matter, within thirty (30) days of the execution of this Order.

22. The reports described above shall provide the following information:

- a. An assessment of the current status of the Premises in that contractor's area of expertise.
- b. An itemized list of all repairs and services necessary to restore full operability to systems in that contractor's area of expertise, and/or any and all repairs and services necessary to make the Premises safe for persons to be present in the Premises.
- c. An estimated cost of said repairs and services.
- d. An estimated timeline for the completion of said repairs and services.

23. Paxe shall obtain any and all necessary permits prior to conducting any work at the Premises.

24. This Court shall retain jurisdiction over this action for the purpose of enforcing this Order. Said enforcement may include modifications of this Order or issuing additional orders necessary to enforce this Order.


25. All prior orders of this Court shall stay in full force and effect.

26. The City and this Court's Chief Environmental Specialist shall be permitted unlimited access to the Premises to conduct random inspections to ensure compliance with this Order.

27. This matter shall be set for a Compliance Hearing on October 4, 2023 at 10:00am in Courtroom 15 B.

This is a final appealable order. Pursuant to Ohio Civil Rule 58, the Clerk is directed to notify the parties as they appear below.

**SO ORDERED.**

  
JUDGE STEPHANIE MINGO

**AUG 11 2023**

\_\_\_\_\_  
DATE

**Copies to all parties in interest.**